



**GANNAWARRA**  
*Shire Council*

## **Council Meeting**

# **MINUTES**

**Wednesday, 21 April 2021**

**6:30pm**

**Community Meeting Room**

**Cohuna**

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**MINUTES OF GANNAWARRA SHIRE COUNCIL  
COUNCIL MEETING  
HELD AT THE COMMUNITY MEETING ROOM, COHUNA  
ON WEDNESDAY, 21 APRIL 2021 AT 6:30PM**

**PRESENT:**

Cr Charlie Gillingham (Mayor)	Avoca Ward
Cr Garner Smith (Deputy Mayor)	Yarran Ward
Cr Keith Link	Yarran Ward
Cr Ross Stanton	Murray Ward
Cr Kelvin Burt	Patchell Ward
Cr Travis Collier	Patchell Ward
Cr Jane Ogden	Patchell Ward

**IN ATTENDANCE:** Chief Executive Officer  
Director Corporate Services

**Gallery:** 7

**Media:** Nil

**1 ACKNOWLEDGEMENT OF COUNTRY**

The Gannawarra Welcome to Country video was played as the Acknowledgement of Country.

**2 OPENING DECLARATION**

The Deputy Mayor read the Opening Declaration.

**3 APOLOGIES**

Nil

**4 CONFIRMATION OF MINUTES**

**RESOLUTION**

Moved: Cr Kelvin Burt

Seconded: Cr Travis Collier

**That the minutes of the Council Meeting held on 17 March 2021 be confirmed.**

**CARRIED**

**5 DECLARATION OF CONFLICT OF INTEREST**

Nil

## **6 BRIEFING SESSIONS**

### **6.1 RECORDS OF COUNCILLOR BRIEFINGS - 11 MARCH TO 12 APRIL 2021**

#### **EXECUTIVE SUMMARY**

This report presents to Council written records of Councillor Briefings in accordance with Clause 31 of the Gannawarra Shire Council Governance Rules.

#### **RESOLUTION**

Moved: Cr Jane Ogden

Seconded: Cr Ross Stanton

**That Council note the records of Councillor Briefings from 11 March to 12 April 2021.**

**CARRIED**

## **7 BUSINESS REPORTS FOR DECISION**

### **7.1 MAYORAL AND COUNCILLOR ALLOWANCES**

#### **EXECUTIVE SUMMARY**

Mayors and councillors are entitled to receive an allowance while performing their duties as an elected official. Pursuant to section 39 of the *Local Government Act 2020* (the 2020 Act), allowances for the Mayor, Deputy Mayor and Councillors are provided in accordance with a Determination of the Victorian Independent Remuneration Tribunal (the Remuneration Tribunal) under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*.

Despite the repeal of the allowance provisions under the *Local Government Act 1989* (the 1989 Act), those provisions continue to apply in respect of allowances until such time as the first Determination is made by the Remuneration Tribunal.

The Minister for Local Government is expected to request the Remuneration Tribunal to make a determination in late 2021. Consequently, Council is required to undertake its own review and determine its mayoral and councillor allowances in accordance with the 1989 Act. A person has a right to make a submission under section 223 of the 1989 Act in respect of a review of allowances.

#### **RESOLUTION**

Moved: Cr Travis Collier

Seconded: Cr Keith Link

#### **That Council:**

- 1. Give public notice in accordance with Sections 74 and 223 of the *Local Government Act 1989* that the Mayoral and Councillor allowances are proposed to be set as follows:**
  - (a) Councillor allowance - \$21,049 per annum and an amount equivalent to the superannuation guarantee of 9.5 per cent of the relevant allowance, equating to \$23,048.**
  - (b) Mayoral allowance - \$62,884 per annum and an amount equivalent to the superannuation guarantee of 9.5 per cent of the relevant allowance, equating to \$68,857.**
- 2. Authorise the Chief Executive Officer to carry out the administrative procedures necessary to enable the Council to carry out its functions under Section 223 of the Act in relation to the review of Mayoral and Councillor allowances.**
- 3. Consider, and if requested, hear any submission received in accordance with Section 223 of the Act at a meeting of the Council on a date to be determined.**

**CARRIED**

## 7.2 COUNCIL POLICY REVIEW

### EXECUTIVE SUMMARY

Council officers undertake regular reviews of Council policies to ensure compliance with relevant legislation and that they are reflective of current practices. This report addresses the following policies which have recently been reviewed:

- Policy No. 025 – Outstanding Debt
- Policy No. 092 – Councillor Allowances and Support
- Policy No. 110 – Investments.

### RESOLUTION

Moved: Cr Ross Stanton

Seconded: Cr Jane Ogden

#### That Council:

1. **Endorse the following reviewed policies:**
  - **Policy No. 025 – Outstanding Debt**
  - **Policy No. 092 – Councillor Allowances and Support**
  - **Policy No. 110 – Investments**
2. **Authorise the Chief Executive Officer to make amendments to the documents to correct any minor drafting errors that do not materially alter the intent of the policies.**

**CARRIED**

## 7.3 POLICY NO. 144 - COUNCILLOR GIFTS

### EXECUTIVE SUMMARY

Section 138 of the *Local Government Act 2020* (the Act) requires Council to adopt a Councillor gift policy by 24 April 2021 that must include procedures for the maintenance of a gift register and any other matters prescribed by the regulations.

### RESOLUTION

Moved: Cr Ross Stanton

Seconded: Cr Kelvin Burt

#### That Council:

1. **Adopt Policy No. 144 – Councillor Gifts as presented and attached to this report.**
2. **Authorise the Chief Executive Officer to make amendment to the documents to correct any minor drafting errors that do not materially alter its intent.**

**CARRIED**

#### **7.4 AUDIT AND RISK COMMITTEE INDEPENDENT MEMBER REMUNERATION**

##### **EXECUTIVE SUMMARY**

Gannawarra Shire Council's Audit and Risk Committee (ARC) Charter provides that the remuneration paid to each Independent member be reviewed and set annually by the Council.

Council recently advertised and recruited an independent member to the Committee with the current remuneration. It is recommended that no increase be applied to the ARC annual sitting fees for 2021/2022.

##### **RESOLUTION**

Moved: Cr Garner Smith

Seconded: Cr Ross Stanton

**That the 2021/2022 Audit and Risk Committee annual sitting fee remain at \$1740 for the Chair and \$1,240 for the other Independent Members.**

**CARRIED**

#### **7.5 AUDIT AND RISK COMMITTEE - 23 MARCH, 2021 MEETING**

##### **EXECUTIVE SUMMARY**

The Audit and Risk Committee (ARC) met on Tuesday, 23 March, 2021. The focus of the ARC meeting was to review the progress on the financial position of the Council through the Quarterly Financial Report, the Fees and Charges and the preparation of the Proposed 2021/2022 Budget. Other issues included the VAGO Audit Strategy and welcoming of the new independent member,

##### **RESOLUTION**

Moved: Cr Garner Smith

Seconded: Cr Kelvin Burt

**That Council:**

- 1. Receive and note the summary of discussion of the Audit and Risk Committee;**
- 2. Amend the Audit and Risk Committee Charter at 3.6 to state that "Independent members may be removed from the Committee if they fail to attend two meetings without an apology in a financial year."**

**CARRIED**

## **7.6 REVENUE AND RATING PLAN**

### **EXECUTIVE SUMMARY**

Section 93 of the *Local Government Act 2020* requires Council to prepare and adopt a Revenue and Rating Plan by 30 June 2021 for a period of at least the next four financial years. The draft plan is presented for approval to place for public consultation. Post consultation, the plan will be presented for adoption at the June Council meeting.

### **RESOLUTION**

Moved: Cr Garner Smith

Seconded: Cr Travis Collier

**That Council place the Draft Revenue and Rating Plan out for public consultation.**

**CARRIED**

## **7.7 PROPOSED BUDGET 2021/2022**

### **EXECUTIVE SUMMARY**

The Budget has been prepared in accordance with the requirements of the *Local Government Act 2020*. The Budget seeks to achieve the actions and activities set out in the Council Plan by balancing the demand for services and infrastructure with the community's capacity to pay.

The proposed increase in rate revenue for the 2021/2022 financial year is 1.5% in line with the order by the Minister for Local Government under the Fair Go Rates System.

Continued capital investment in assets (\$16.179m) primarily for renewal works (\$6.500m) features in the budget.

The Budget also achieves an underlying result of \$589,000 surplus.

### **MOTION**

Moved: Cr Ross Stanton

Seconded: Cr Jane Ogden

#### **That Council:**

- 1. Accept the Proposed Budget 2021/2022 as presented and attached to this report, prepared by Council for the purposes of the *Local Government Act 2020* and the Local Government (Planning and Reporting) Regulations 2020.**
- 2. Authorise the Chief Executive Officer or delegate, to implement the Communication Plan for the Proposed Budget 2021/2022 and Draft Revenue and Rating Plan.**
- 3. Agree that subject to changes to the Proposed Budget 2021/2022 after the implementation of the Communication Plan, the Proposed Budget 2021/2022 will be presented for adoption as Council's Budget 2021/2022, in accordance with Sections 94 and 96 of the *Local Government Act 2020*, at the Council Meeting to be held on Wednesday 16 June, 2021.**

### **AMENDMENT**

Moved: Cr Garner Smith

#### **That Council:**

- 1. Accept the Proposed Budget 2021/2022 as presented and attached to this report, prepared by Council for the purposes of the *Local Government Act 2020* and the Local Government (Planning and Reporting) Regulations 2020.**
- 2. Authorise the Chief Executive Officer or delegate, to implement the Communication Plan for the Proposed Budget 2021/2022 and Draft Revenue and Rating Plan.**
- 3. Agree that subject to changes to the Proposed Budget 2021/2022 after the implementation of the Communication Plan, the Proposed Budget 2021/2022 will be**

presented for adoption as Council's Budget 2021/2022, in accordance with Sections 94 and 96 of the *Local Government Act 2020*, at the Council Meeting to be held on Wednesday 16 June, 2021.

4. That from this budget forward – all actual and forecast costs for the supply of legal services of advice to the Gannawarra Council be listed as an explicit item in Operational Materials and Service and subsequent financial reports.

#### **6:52PM SUSPENSION OF MEETING**

##### **RESOLUTION**

Moved: Cr Jane Ogden

Seconded: Cr Kelvin Burt

**That the meeting be suspended for a short while, while the Chairperson confers the Governance Rules.**

**CARRIED**

#### **6:56PM RESUMPTION OF MEETING**

##### **RESOLUTION**

Moved: Cr Travis Collier

Seconded: Cr Ross Stanton

**That the meeting be resumed.**

**CARRIED**

**The Mayor rejected Cr Smith's amendment because it is outside Council's powers as it is an operational matter.**

##### **MOTION**

Moved: Cr Keith Link

Seconded: Cr Garner Smith

**That the Chairperson's ruling on Cr Smith's amendment be dissented from.**

**LOST**

##### **RESOLUTION**

Moved: Cr Ross Stanton

Seconded: Cr Jane Ogden

**That Council:**

1. **Accept the Proposed Budget 2021/2022 as presented and attached to this report, prepared by Council for the purposes of the *Local Government Act 2020* and the Local**

**Government (Planning and Reporting) Regulations 2020.**

2. **Authorise the Chief Executive Officer or delegate, to implement the Communication Plan for the Proposed Budget 2021/2022 and Draft Revenue and Rating Plan.**
3. **Agree that subject to changes to the Proposed Budget 2021/2022 after the implementation of the Communication Plan, the Proposed Budget 2021/2022 will be presented for adoption as Council's Budget 2021/2022, in accordance with Sections 94 and 96 of the *Local Government Act 2020*, at the Council Meeting to be held on Wednesday 16 June, 2021.**

**CARRIED****7.8 G10-2020 MORTON GARNER PAVILION****EXECUTIVE SUMMARY**

The Cohuna and District Agricultural, Pastoral and Horticultural Society Inc was awarded funding in 2019 for the development of a new multi-purpose facility, replacing the current Morton Garner Pavilion located at the Cohuna Recreation Reserve.

Council officers have completed a tendering and evaluation process and recommend the appointment of CJ & BT McLoughlan Builders as the successful tenderer for the development of the new Morton Garner Pavilion.

**RESOLUTION**

Moved: Cr Garner Smith

Seconded: Cr Kelvin Burt

1. **That Council Award tender G10-2020 for the Morton Garner Pavilion to CJ & BT McLoughlan Builders for the lump sum amount, not subject to rise and fall, of \$588,144 excluding GST.**

**CARRIED**

## **7.9 DOMESTIC ANIMAL MANAGEMENT PLAN - ANNUAL REVIEW**

### **EXECUTIVE SUMMARY**

Council must review the Domestic Animal Management Plan (DAM Plan) on an annual basis and if appropriate, amend the plan. A copy of the DAM Plan must be provided to the Secretary, including any amendments. In addition, Council must also publish an evaluation of the implementation of the DAM Plan in their annual report.

### **RESOLUTION**

Moved: Cr Kelvin Burt

Seconded: Cr Ross Stanton

**That Council note the annual review of the Domestic Animal Management Plan.**

**CARRIED**

## **8 URGENT ITEMS**

Nil

## **9 NOTICES OF MOTION**

### **9.1 NOTICE OF MOTION - 75**

#### **MOTION**

Moved: Cr Keith Link

Seconded: Cr Travis Collier

**That the Shire investigate the possibility of a child/day care centre in Cohuna.**

#### **AMENDMENT**

Moved: Cr Garner Smith

**That the Shire investigate the possibility of a child/day care centre in Cohuna. Additionally, the CEO arrange monthly updates for Councillors on any progress regarding day care in Cohuna. Updates are to be at briefings each month in 2021 and by the appropriate department leader so questions may be asked.**

## **7:17PM SUSPENSION OF STANDING ORDERS**

### **RESOLUTION**

Moved: Cr Kelvin Burt

Seconded: Cr Jane Ogden

**That standing orders be suspended to discuss Cr Smith's amendment with staff.**

**CARRIED**

#### **7:19PM RESUMPTION OF STANDING ORDERS**

#### **RESOLUTION**

Moved: Cr Ross Stanton

Seconded: Cr Keith Link

**That standing orders be resumed.**

**CARRIED**

**The Mayor rejected Cr Smith's amendment because it is outside Council's powers as it is an operational matter.**

#### **RESOLUTION**

Moved: Cr Keith Link

Seconded: Cr Travis Collier

**That the Shire investigate the possibility of a child/day care centre in Cohuna.**

**CARRIED**

### **10 QUESTION TIME**

<b>Author</b>	<b>Question</b>	<b>Response</b>
Ms Louise Graham	What is councils justification for rare wattles (seen in only 3 places in Victoria) as well as other mature natives removed from Hipwells corner on the Island Road?	Council staff were contacted to inspect the trees on Council controlled land at Island Road by a concerned adjacent land owner. The concerns raised by the adjacent owner were: * trees falling over onto the owners land, * trees having limb failures and falling onto the owners land, * the owner wanted to replace the existing fence. The inspection confirmed evidence of limb failure on some trees and other trees were leaning over the fence into the adjoining property. A decision was made in line with Council policy based on tree location and condition to remove the trees, and a contractor was engaged to remove the trees. Arrangements have been made to replant 31 trees in the area the works were undertaken.

	What does the Council have in place to protect significant mature trees on private land?	The Gannawarra Planning Scheme sets out the provisions and exemptions which may apply in relation to the removal, destruction or lopping of native vegetation. As such, Council acts in accordance with the Department of Environment, Land, Water and Planning Guidelines for the removal, destruction or lopping of native vegetation.
Ms Narelle Stone	The Cohuna community has been in consultation with the Gannawarra Shire and various Consultants and Planners for almost 12 years now trying to get a fit-for-purpose new pool facility for our community. In that time we have seen a steady increase in the numbers of people accessing our summer swimming program, alongside dramatic decline in the integrity of our pool structure. Will the Shire commit to Cohuna getting a new pool facility given the consultant in the draft release of the Aquatic Strategy has said that the current facility has reached the end of it's usable life?	Council's Aquatic Strategy is currently under development and will consider the future of all aquatic facilities across the Gannawarra. Councillors have had a series of workshops to consider the research, benchmarking and community consultation information. A Draft Aquatic Strategy is on track to be considered for further community consultation in this 2021 calendar year with the intention that the Council will adopt a strategic direction for all Aquatic facilities in the Gannawarra over the next decade and beyond.

## 11 DELEGATES REPORTS

### 11.1 DELEGATES REPORTS

Association	Appointed Council Delegate
Central Victorian Greenhouse Alliance	Cr Stanton
Community Halls Community Asset Committee	Cr Burt
Loddon Campaspe Group of Councils	Mayor
Loddon Mallee Waste and Resource Recovery Group (LMWRRG) Forum	Cr Ogden
Municipal Association of Victoria	Cr Collier
Municipal Fire Management Planning Committee (MFMPC)	Cr Link
Murray River Group of Councils (MRGC)	Mayor
Rail Freight Alliance	Cr Stanton
Rural Councils Victoria	Cr Smith

NB: \* Audit and Risk Committee - no delegate report is required as the Audit and Risk Committee formally reports back separately to Council in accord with the Audit and Risk Committee Charter.

Councillors gave verbal updates on attendance at meetings to which there are the appointed delegate.

## **12 CONFIDENTIAL ITEMS**

Nil

**The Meeting closed at 7:37pm.**

**The Minutes of this Meeting were confirmed at the Meeting of the Gannawarra Shire Council held on 19 May 2021.**

**Mayor Charlie Gillingham  
CHAIRPERSON**